

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

Charles K. Verhoeven (Bar No. 170151)

2 charlesverhoeven@quinnemanuel.com

David A. Perlson (Bar No. 209502)

3 davidperlson@quinnemanuel.com

Melissa Baily (Bar No. 237649)

4 melissabaily@quinnemanuel.com

John Neukom (Bar No. 275887)

5 johnneukom@quinnemanuel.com

Jordan Jaffe (Bar No. 254886)

6 jordanjaffe@quinnemanuel.com

50 California Street, 22<sup>nd</sup> Floor

7 San Francisco, California 94111-4788

Telephone: (415) 875-6600

8 Facsimile: (415) 875-6700

9 Attorneys for WAYMO LLC

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;  
16 OTTOMOTTO LLC; OTTO TRUCKING  
17 LLC,

18 Defendants.

CASE NO. 3:17-cv-00939-WHA

**DECLARATION OF JEFF NARDINELLI  
IN SUPPORT OF PLAINTIFF WAYMO  
LLC'S RENEWED MOTION IN LIMINE**  
1

1 I, Jeffrey W. Nardinelli, hereby declare as follows.

2 1. I am a member of the bar of the State of California and an associate with Quinn  
3 Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Waymo LLC ("Waymo"). I make this  
4 declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and  
5 would testify competently as follows.

6 2. Attached as Exhibit A is a true and correct copy of Defendants Uber Technologies,  
7 Inc. And Ottomotto LLC's Supplemental Response To Waymo's Third Set Of Common  
8 Interrogatories (No. 9), filed under seal.

9 3. Attached as Exhibit B is a true and correct copy of Defendants Uber Technologies,  
10 Inc. And Ottomotto LLC's Responses To Waymo's First Set Of Expedited Interrogatories  
11 Pursuant To Paragraph Six Of The May 11, 2017 Preliminary Injunction Order (Nos. 1-9), filed  
12 under seal.

13 4. Attached as Exhibit C is a true and correct copy of Defendants Uber Technologies,  
14 Inc. And Ottomotto LLC's Amended Initial Disclosures.

15 5. Attached as Exhibit D is a true and correct copy of Defendants Uber Technologies,  
16 Inc. And Ottomotto LLC's Supplemental Initial Disclosures.

17 6. Attached as Exhibit E is a true and correct copy of information and relevant  
18 documents for Google Inc.'s Project Chauffeur Bonus Program, filed under seal.

19 7. Attached as Exhibit F is a true and correct copy of an email from Chris Urmson,  
20 dated Saturday, December 5, 2105 and filed under seal.

21 8. Attached as Exhibit G is a true and correct copy of the chart containing Waymo's  
22 Renewed MIL, filed under seal.

23 9. Attached as Exhibit H is a true and correct copy of transcript excerpts from the  
24 video deposition Of Daniel Gruver, taken August 4, 2017 and filed under seal.

25 10. Attached as Exhibit I is a true and correct copy of transcript excerpts of the  
26 videotaped deposition of John Krafcik, dated August 2, 2017 and filed under seal.

27 11. Attached as Exhibit J is a true and correct copy of transcript excerpts of the  
28 videotaped deposition of Larry Page, dated July 17, 2017 and filed under seal.

1           12.     Attached as Exhibit K is a true and correct copy of transcript excerpts of the  
2 videotaped deposition of Gaetan Pennecot, dated April 20, 2017 and filed under seal.

3           13.     Attached as Exhibit L is a true and correct copy of text message excerpts on August  
4 4, 2016 at 12:20 pm, from Anthony Levandowski to Chelsea, filed under seal.

5           14.     Attached as Exhibit M is a true and correct copy of a memo sent to Anthony  
6 Levandowski, from Chris Urmson, regarding Performance Improvement Plan, filed under seal.

7           15.     Attached as Exhibit N is a true and correct copy of a December 2015 memo to  
8 Anthony Levandowski (anthony1), regarding Project Chauffeur Bonus Statement, filed under seal.

9           16.     Attached as Exhibit O is a true and correct copy of a term sheet for Project  
10 Chauffeur, dated May 2011 and filed under seal.

11          17.     Attached as Exhibit P is a true and correct copy of a June 17, 2015 memo to  
12 Anthony Levandowski (anthony1), regarding Project Chauffeur Bonus Statement and filed under  
13 seal.

14          18.     Attached as Exhibit Q is a true and correct copy of a May 25, 2011 memo from  
15 Sergey Brin to Sebastian Thrun regarding “chauffeur compensation” and filed under seal.

16          19.     Attached as Exhibit R is a true and correct copy of a second set of term sheet for  
17 Project Chauffeur, dated May 2011 and filed under seal, filed under seal.

18          20.     Attached as Exhibit S is a true and correct copy of a October 13, 2015 presentation  
19 by Allen & Company, regarding Project Optimus, Project Lead Valuation Materials, and filed  
20 under seal.

21          21.     Attached as Exhibit T is a true and correct copy of a confidential Alphabet Letter  
22 dated December 2015 to Anthony Levandowski (anthony1) regarding Project Chauffeur’s Bonus  
23 Statement, filed under seal.

24          22.     Attached as Exhibit U is a true and correct copy of Google Pay Statements to  
25 Anthony Scott Levandowski, showing earnings from 12/30/2015 to 12/31/2015 and filed under  
26 seal.

27          23.     Attached as Exhibit V is a true and correct copy of Google Pay Statements to  
28 Anthony Scott Levandowski, showing earnings from 7/22/2106 to 8/04/2016 and filed under seal.

1           24. Attached as Exhibit W is a true and correct copy of an Tue 17 Nov 2015 email  
2 from Chris Urmson to other Google employees, inviting them to attend a Chauffer Plan Update  
3 scheduled for Tue Nov 17 2015, filed under seal.

4           I declare under penalty of perjury under the laws of the State of California that the  
5 foregoing is true and correct.

6 DATED: September 13, 2017

7 /s/ Jeff Nardinelli  
Jeff Nardinelli

8  
9 **SIGNATURE ATTESTATION**

10 Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the  
11 filing of this document has been obtained from Jeff Nardinelli.

12  
13 /s/ Charles K. Verhoeven  
14 Charles K. Verhoeven  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28